

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES MCCLAIN,

Case No. 3:24-cv-00458-ART-CSD

Plaintiff

ORDER

v.

HENLEY,

Defendant

9 On October 4, 2024, Plaintiff, an inmate in the custody of the Nevada Department
10 of Corrections (“NDOC”), submitted an application to proceed *in forma pauperis* in this
11 matter. (See ECF Nos. 1, 4). Plaintiff did not submit a complaint.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff **until November 15, 2024**, to submit a complaint.

15 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this
16 Court on or before **November 15, 2024**.

17 It is further ordered that the Clerk of the Court will send to Plaintiff the approved
18 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
21 to refile the case with the Court, under a new case number, when Plaintiff can file a
22 complaint and a complete application to proceed *in forma pauperis* or pay the required
23 filing fee.

DATED: October 17, 2024

C58
UNITED STATES MAGISTERIUM

UNITED STATES MAGISTRATE JUDGE